

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bodo Gerold et al.

Appln. No.: 10/596,797

Filed: April 26, 2007

Title: RADIO-OPAQUE MARKER FOR
MEDICAL IMPLANTS

Confirmation No.: 1514

Group Art Unit: 1796

Examiner: Michael F. Pepitone

Atty. Docket No.: 149459.00002

Customer No.: 25207

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE AFTER FINAL
AND REQUEST FOR CONTINUED EXAMINATION**

Sir:

In response to the Advisory Action of November 25, 2008, please amend the application as follows:

Status is on page 2.

Summary of USPTO Fees begins on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments/Conclusion begin on page 8 of this paper.

STATUS PRIOR TO AMENDMENT

The above-captioned patent application is pending.

Claims 1-5 and 7-19 are pending in the application.

Claims 1-5 and 7-19 are rejected under 35 USC 103(a) as being unpatentable over Heublein et al. (U.S. Patent Application No. 2002/0004060) and Stinson et al. (U.S. Patent No. 6,340,367).

SUMMARY OF USPTO FEES ENCLOSED HEREWITH

Extension of Time

A separate petition for an extension of time of two (2) months up to and including February 4, 2009, to respond to the outstanding Office Action, along with authorization to charge the appropriate fee for a large entity of \$490, is enclosed herewith.

Fee for Additional Claims

The Commissioner is authorized to charge \$220 for the additional independent claim.

Request for Continued Examination

A separate Request for Continued Examination, along with authorization to charge the appropriate fee for a large entity of \$810, is enclosed herewith.

The Commissioner is authorized to charge PTO Deposit account 501429 for any amounts due or credit this account for any overage.